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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,074	02/06/2007	Manuel Gonzalez	200310853-3	2398

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

EXAMINER

PACHOL, NICHOLAS C

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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04/09/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/571,074	Applicant(s) GONZALEZ, MANUEL	
	Examiner Nicholas C. Pachol	Art Unit 2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Claims 36 and 37 are new claims and would require further consideration and/or search. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 16-35.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625

/Nicholas C Pachol/
Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 03/17/10 have been fully considered but they are not persuasive. In regards to applicant's argument that Silverbrook's coded data are distinct from applicant's pattern marking, the examiner respectfully disagrees. Applicant alleges that Silverbrook's teaching of coded data in tags is different form applicant's teaching of patterns. The purpose of Silverbrook's coded data as a collection of tags is to track edits in a document by determining the location of the pen, Column 39, lines 59-67. According to applicant's specification the pattern is defined as being markings on a sheet that help determine position on a sheet in relation to the markings. This is the same thing as Silverbrook's coded data. Since there is no clear difference stated in the claim as to the difference between the pattern markings and Silverbrook's coded data. The pattern marking are only claimed as an element on a document other then the content, wherein the specification describes the pattern markings as being able to determine the location on the document. Therefore, the coded data of Silverbrook is the same as applicant's pattern markings.

In regards to applicants argument that "Lapstun is silent on modifying the shape or location of the at least one functional area," the examiner respectfully disagrees. The examiner notes that the functional area of the document is the area in which the document is printed on. Lapstun discusses modifying the area that is printed with the tags in relation to the orientation of the page. By changing the orientation of the page, this is changing the location of the tags. The tags are known in relation to the x and y axis of the paper. By changing the orientation of the page, the dimensions of the x and y axis change. This would be changing the location of where the tags are printed, the functional area. Therefore, Lapstun does teach " modifying the shape or location of the at least one functional area."

Continuation of 13. Other: Applicant's arguments filed 03/17/10 have been fully considered but they are not persuasive. In regards to applicant's argument that Silverbrook's coded data are distinct from applicant's pattern marking, the examiner respectfully disagrees. Applicant alleges that Silverbrook's teaching of coded data in tags is different form applicant's teaching of patterns. The purpose of Silverbrook's coded data as a collection of tags is to track edits in a document by determining the location of the pen, Column 39, lines 59-67. According to applicant's specification the pattern is defined as being markings on a sheet that help determine position on a sheet in relation to the markings. This is the same thing as Silverbrook's coded data. Since there is no clear difference stated in the claim as to the difference between the pattern markings and Silverbrook's coded data. The pattern marking are only claimed as an element on a document other then the content, wherein the specification describes the pattern markings as being able to determine the location on the document. Therefore, the coded data of Silverbrook is the same as applicant's pattern markings.

In regards to applicants argument that "Lapstun is silent on modifying the shape or location of the at least one functional area," the examiner respectfully disagrees. The examiner notes that the functional area of the document is the area in which the document is printed on. Lapstun discusses modifying the area that is printed with the tags in relation to the orientation of the page. By changing the orientation of the page, this is changing the location of the tags. The tags are known in relation to the x and y axis of the paper. By changing the orientation of the page, the dimensions of the x and y axis change. This would be changing the location of where the tags are printed, the functional area. Therefore, Lapstun does teach " modifying the shape or location of the at least one functional area."